

PD4 Exh 4

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____
8) Case No.
9) 1:17-MD-2804
10)
11 THIS DOCUMENT RELATES) Hon. Dan A.
12 TO ALL CASES) Polster

13 FRIDAY, JULY 13, 2018

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW
16 - - -

17 Videotaped deposition of Shirlene
18 Justus, held at the offices of BakerHostetler
19 LLP, 200 South Civic Center Drive, Columbus,
20 Ohio, commencing at 9:05 a.m., on the above
21 date, before Carrie A. Campbell, Registered
22 Diplomate Reporter and Certified Realtime
23 Reporter.

24 - - -
25 GOLKOW LITIGATION SERVICES
26 877.370.3377 ph | 917.591.5672 fax
27 deps@golkow.com

1 A P P E A R A N C E S :

2

3 MCHUGH FULLER LAW GROUP
4 BY: MICHAEL J. FULLER, JR., ESQUIRE
mike@mchughfuller.com
AMY J. QUEZON, ESQUIRE
amy@mchughfuller.com
97 Elias Whiddon Road
Hattiesburg, Mississippi 39402
(601) 261-2220

7

8 NAPOLI SHKOLNIK, PLLC
9 BY: HUNTER J. SHKOLNIK, ESQUIRE
hunter@napolilaw.com
SHAYNA E. SACKS, ESQUIRE
10 SSacks@NapoliLaw.com
(VIA TELECONFERENCE)
11 360 Lexington Avenue, 11th Floor
New York, New York 10017
12 (212) 397-1000

13

14 GREENE KETCHUM BAILEY WALKER FARRELL & TWEEL, LLP
15 BY: PAUL T. FARRELL, JR., ESQUIRE
paul@greeneketchum.com
419 Eleventh Street
16 Huntington, West Virginia 25701
(314) 525-9115
17 Counsel for Plaintiffs

18

19 WILLIAMS & CONNOLLY LLP
BY: JENNIFER G. WICHT, ESQUIRE
jwicht@wc.com
20 STEVEN M. PYSER, ESQUIRE
spyser@wc.com
21 MIRANDA PETERSEN, ESQUIRE
mpetersen@wc.com
22 725 Twelfth Street, N.W.
Washington, DC 20005
23 (202) 434-5331
Counsel for Cardinal Health, Inc.

24

25

1 REED SMITH LLP
2 BY: LOUIS W. SCHACK, ESQUIRE
3 lschack@reedsmit.com
4 Three Logan Square
5 1717 Arch Street, Suite 3100
6 Philadelphia, Pennsylvania 19103
7 (215) 851-8100
8 Counsel for AmerisourceBergen

9
10 BARTLIT BECK HERMAN PALENCHAR &
11 SCOTT LLP
12 BY: ALEX J. HARRIS, ESQUIRE
13 alex.harris@bartlit-beck.com
14 1801 Wewatta Street, Suite 1200
15 Denver, Colorado 80202
16 (303) 592-3100
17 Counsel for Walgreens

18 JONES DAY
19 BY: EDWARD M. CARTER, ESQUIRE
20 emcarter@jonesday.com
21 325 John H. McConnell Boulevard
22 Suite 600
23 Columbus, Ohio 43125-2673
24 (614) 469-3939
25 Counsel for Walmart

26 PELINI, CAMPBELL & WILLIAMS LLC
27 BY: PAUL B. RICARD, ESQUIRE
28 pbricard@pelini-law.com
29 8040 Cleveland Avenue NW, Suite 400
30 North Canton, Ohio 44720
31 (330) 305-6400
32 Counsel for Prescription Supply,
33 Inc.

34 JACKSON KELLY PLLC
35 BY: WILLIAM J. AUBEL, ESQUIRE
36 william.j.aubel@jacksonkelly.com
37 500 Lee Street East, Suite 1600
38 Charleston, West Virginia 25301
39 (304) 340-1146
40 Counsel for Miami-Lukens
41

1 ZUCKERMAN SPAEDER LLP
2 BY: R. MILES CLARK, ESQUIRE
3 mclark@zuckerman.com
4 1800 M Street NW, Suite 1000
5 Washington, DC 20036-5807
6 (202) 778-1800
7 Counsel for CVS Indiana, LLC, and
8 CVS RX Services, Inc.

9
10 ARNOLD & PORTER KAYE SCHOLER, LLP
11 BY: ALLISON GARDNER, ESQUIRE
12 Allison.Gardner@arnoldporter.com
13 (VIA TELECONFERENCE)
14 601 Massachusetts Avenue, NW
15 Washington, DC 20001-3743
16 (202) 942-5000
17 Counsel for Endo Pharmaceuticals
18 Inc., and Endo Health Solutions Inc.

19 MORGAN, LEWIS & BOCKIUS LLP
20 BY: PAMELA C. HOLLY, ESQUIRE
21 pamela.holly@morganlewis.com
22 (VIA TELECONFERENCE)
23 101 Park Avenue
24 New York, New York 10178
25 (212) 309-6000
26 Counsel for Teva Pharmaceuticals
27 USA, Inc., Cephalon, Inc., Watson
28 Laboratories, Inc., Actavis LLC,
29 Actavis Pharma, Inc., f/k/a Watson
30 Pharma, Inc.

31 MORGAN, LEWIS & BOCKIUS LLP
32 BY: JOHN P. LAVELLE, JR., ESQUIRE
33 john.lavelle@morganlewis.com
34 (VIA TELECONFERENCE)
35 1701 Market Street
36 Philadelphia, Pennsylvania 19103-2921
37 (215) 963-5000
38 Counsel for Rite Aid

1 LOCKE LORD LLP
2 BY: BRANDAN MONTMINY, ESQUIRE
3 brandan.montminy@lockelord.com
4 (VIA TELECONFERENCE)
5 2200 Ross Avenue, Suite 2800
6 Dallas, Texas 75201
7 (214) 740-8445
8 Counsel for Henry Schein, Inc., and
9 Henry Schein Medical Systems, Inc.

10 ALSO PRESENT:

11 CARDINAL HEALTH
12 BY: CAITLIN E. ANDERSON, ESQUIRE
13 caitlin.anderson@cardinalhealth.com
14 7000 Cardinal Place
15 Dublin, Ohio 43017
16 (614) 757-5382
17 In-house Counsel for Cardinal Health
18 AJ ELKINS, McHugh Fuller

19 VIDEOGRAPHER:

20 DAN LAWLOR,
21 Golkow Litigation Services

22 TRIAL TECHNICIAN:

23 EVAN WOLFE,
24 Golkow Litigation Services

25 - - -

1 that it should not happen.

2 MR. FULLER: Evan, let's go to
3 macro number 2.

4 QUESTIONS BY MR. FULLER:

5 Q. This is the suspicious order
6 reporting but this time for a Skilled Cared
7 Pharmacy.

8 Do you see that?

9 A. I do.

10 Q. And then the order is for the
11 Skilled Care Pharmacy, same address, same
12 customer DEA number, right?

13 A. Yes, I agree. Yes.

14 MR. FULLER: If you move to the
15 right for me.

16 QUESTIONS BY MR. FULLER:

17 Q. And the date of the suspicious
18 order report or overage is February 14th, and
19 then product from the same drug family was
20 shipped on the 18th and 22nd.

21 Do you see that?

22 A. I do.

23 Q. Now, you would expect to see
24 some sort of explanation again in the
25 diligence file; is that right?

1 MS. WICHT: Object to the form
2 of the question and no foundation.

3 THE WITNESS: It should be
4 there.

5 QUESTIONS BY MR. FULLER:

6 Q. Okay. And was that your
7 standard practice?

8 If you were going to change a
9 threshold or if you were going to clear
10 something or allow future shipments to go
11 through, you would have documented your
12 reasoning behind that, why you were doing
13 that?

14 MS. WICHT: Object to the form
15 of the question.

16 QUESTIONS BY MR. FULLER:

17 Q. Correct?

18 A. I should have, yes.

19 Q. That was your normal procedure?

20 A. Yes, that would have been what
21 I should have done, yes.

22 Q. Okay. And you -- sitting here
23 today, you don't know whether you did or
24 didn't?

25 A. I have no idea whether I did or